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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,944	11/19/2001	Antonio J. Colmenarez	US010421	9176

24737 7590 07/15/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, ANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,944

Applicant(s)

COLMENAREZ, ANTONIO J.

Examiner

Anh T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informality: page 6, line 24, "by" should be changed to --be--.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to because in Fig.2, step 205, "RECONGNIZES" should be changed to --RECOGNIZES-- and step 250, "SYSTEMS" should be changed to --SYSTEM--  
Corrections are required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Maruno et al. ("Maruno", US 6,191,773).

As per claim 1, Maruno teaches a video display device comprising: a display configured to display a plurality of selection options (Fig.1, col.4, lines 32-40, *displaying a plurality of selection options such as menu 201, 202*); a processor operatively coupled to the display and configured to sequentially highlight each of the plurality of selection options for a period of time

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and configured to receive a selection gesture from the user for selecting a highlighted selection option (col.1, lines 40-55, *indicating display objects sequentially by hand movement recognition*).

As per claim 2, Maruno teaches the video display device wherein the processor is configured to highlight each of the plurality of selection options by causing the display to display one of each of the plurality of selection options for the period of time (Fig.1, *highlighted display of each one of the plurality of selection options such as menu 201*).

As per claim 3, Maruno teaches the video display device wherein the processor is configured to highlight each of the plurality of selection options by causing the display to alter a display characteristic for one of each of the plurality of selection options for the period of time (Fig.1, *selected menu 201 is highlighted to distinguish it from menu 202*).

As per claim 4, Maruno teaches the video display device comprising an audio output device, wherein the processor is configured to highlight each of the plurality of selection options by causing the audio output device to sequentially output an audio indication associated with a corresponding one of each of the plurality of selection options (col.5, lines 31-45, *using sound or voice from the display device in tune with the emphasis display*).

As per claim 5, Maruno teaches the video display device of claim 1, comprising a camera operatively coupled to the processor for acquiring an image of the user containing the selection gesture (Fig.1, *CCD camera 3*, col.4, lines 33-34).

As per claim 6, Maruno teaches the video display device wherein the image information is contained in a plurality of images and wherein the processor is configured to analyze the

plurality of images to determine the selection gesture (Fig.2, lines 40-54, *shape identifying means analyzes images to determine selection gesture*).

As per claim 7, Maruno teaches the video display device wherein the image information is contained in a plurality of images and wherein the processor is configured to determine the selection gesture by analyzing the plurality of images and determining a trajectory of a hand of the user (Fig.4, lines 40-54, *shape identifying means analyzes the plurality of hand images and calculates the image difference of the trajectory of the hand*).

As per claim 8, Maruno teaches the video display device wherein the processor is configured to determine the selection gesture by analyzing an image of the user and determining a posture of a hand of the user (Fig.4, col.4, line 67- col.5, line 30, *contour depicting unit 222 depicts the posture of a hand of the user*).

As per claim 9, Maruno teaches the video display device wherein the video display device is a television (col.1, lines 7-10, *display such as a television*).

As per claim 10, Maruno teaches a method of providing a user interface containing a plurality of selection options, the method comprising the acts of: displaying a plurality of selection options (Fig.1, col.4, lines 32-40, *displaying a plurality of selection options such as menu 201, 202*); highlighting each one of the plurality of selection options sequentially (col.1, lines 40-55, *indicating display objects sequentially by hand movement recognition*); analyzing an image of the user to determine whether the image contains a selection gesture for a highlighted selection option (Fig.2, lines 40-54, *shape identifying means analyzes images to determine selection gesture*).

Claims 11-13, and claims 15-17 are similar in scope to claims 6-8 respectively and therefore are rejected under similar rationale.

Claim 14 is similar in scope to claim 10 and therefore is rejected under similar rationale.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maruno et al. (US 6,191,773) teaches interface apparatus

Lee et al. (US 6,160,899) teaches method of application menu selection and activation using image cognition

Iwamura (US 6,498,628) teaches motion sensing interface

Kumar et al. (US 6,204,852) teaches video hand image three-dimensional computer interface

Hongo (US 6,677,969) teaches instruction recognition system having gesture recognition function

### *Inquiries*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Nguyen whose telephone number is (703) 305-8649. The examiner can normally be reached on Monday - Thursday from 6:00 am to 3:30 pm (EST) and alternate Fridays.

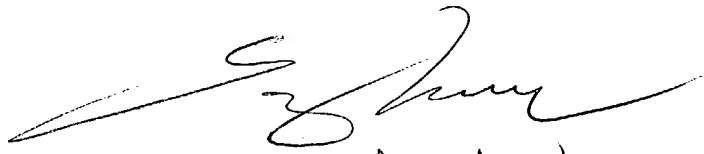
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

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The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anh T Nguyen  
Examiner  
Art Unit 2174



SY D. LUU  
PRIMARY EXAMINER